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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,819

Applicant(s)

LEFEVRE ET AL.

Examiner

JAMES R. MARANDI

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to applicant's remarks and amendment filed on 8/13/2009.
Claims 1-20 are presently pending.

Response to Arguments

2. Applicant's arguments with respect to claim1- 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.B. Eytchison et al., USPN 7,206,853 (hereinafter "Eytchison") in view of J.S. Hendricks et al., USPN 5,559,549 (hereinafter "Hendricks").

4.1. Regarding claim 1, Eytchison discloses: **A method for displaying on a television apparatus** (Fig. 2, TV 105, display 120), **content information associated with peripheral device** (Display 120 is further detailed, in alternative configuration of Fig. 8c, 80, where the content is shown be device, e.g. "HDD" 102) **interconnected with the television apparatus (120) via a digital serial bus (110), the method comprising:**

receiving, by the television apparatus (105, 120), a user request (e.g. via selection by remote control 81) **to view content information associated with a selected peripheral device** (Content associated with "HDD" 102) **interconnected to the television apparatus (105) via the digital serial bus (110);** see Col. 15, lines 2- 25

obtaining, by the television apparatus (105, 120), responsive to said user request (command and selection via remote control 81), **content information from the selected peripheral device ("HDD 102) regardless of**

whether the selected peripheral device is the currently selected input source for the television apparatus, Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV; Col. 6, line 60 through Col. 7, line 2. The process of "obtaining" is detailed in Fig. 4A, where a Device Abstraction Layer (DAL) is disclosed. DAL 210 captures the content of various attached devices as shown in 410, and using AV file manger 402, creates a Virtual File system 402, with TOC 421. Based on this virtual file system, at 430, a content database is created, where content is categorized and stored in Cache 452. An example of such database table depicting relationships of fields is shown in Fig. 4B. Cache pages are created based on the user needs/ requirements. For example 453 is a list of Horror Movies. In Fig.8 c another example is provided where content is also sorted by genre (sport) and device (HDD); **and**

displaying (e.g. Fig. 8c, 80), **by the television apparatus** (105, 120), **the received content information for the selected peripheral device** (programs available on HDD tab),

wherein the received content information is displayed on a content display uniquely associated with the selected peripheral device (programs

available on HDD tab, as in screen 80). (Col. 7, lines 8- 40; Col. 9, line14 through Col. 10, line 54; Col. 15, lines 2- 25)

Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV. Eytchison does not disclose that the TV is tuned to another program while the TV displays screen 80, and the viewer is going through the menu options at his/ her disposal, therefore he is silent on **tuning, by the television apparatus, to a currently selected input source**; while obtaining and displaying content information from selected peripheral devices.

However, Hendricks discloses program overlay menus, whereby menus (program selection/ channel selection) are presented to the user while the viewer enjoys a currently tuned program (Col. 18, lines 11- 58).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Eytchison with Hendricks ' invention, in order to allow the viewer to tune to and watch a program while surfing and

deciding on what to watch next. (Hendricks, Col. 18, lines 14- 17)

4.1.1. Regarding claim 2, Eytchison discloses **wherein the digital serial bus is an IEEE 1394 compliant serial bus**, see Col. 5, lines 47- 59.

4.1.2. Regarding claim 3, Eytchison discloses **in response to a second user input, obtaining, by the television apparatus, content information from a second selected peripheral device; and displaying, by the television apparatus, the received content information of the second selected peripheral device**, user may select any of the devices attached/discovered to bus 110, and shown in the menu of 120 and see the menu associated with that device (Col. 4, lines 65-67). Furthermore, Eytchison discloses a content-centric architecture, where through a CLS (Content Location System), the user may select content (on any device) first, Eytchison invention then determines which device the selected content is located on, and presents said content with relevant controls (from abstracted device) to the user. (Fig. 3, Col. 6, line 60 through Col. 8, line 7)

4.1.3. Regarding claim 4, Eytchison discloses **wherein the content information comprises table of contents information for programs stored on a**

storage medium of the selected peripheral device, the menu for HDD device is a list (table) of content stored on the HDD device (Col. 5, lines 1-3).

4.1.4. Claim 5 is rejected as claim 3.

4.1.5. Regarding claim 6, Eytchison discloses **allowing by the television apparatus, a user to cycle through a loop of peripheral devices interconnected to the television apparatus**, as shown in Fig. 8c, the user cycles through attached devices through selection of tabs, and associated table of content for each tab.

4.1.6. Regarding claim 7, the system of Eytchison and Hendricks discloses **allowing by the television apparatus, a user to manipulate the displayed content information in response to user input received by the television apparatus**. (User manipulates the table of content, as shown for example in Fig. 8c by selecting content for, record, etc. Also, as shown in Fig. 4A and disclosed in Col. 8, lines 16- 68, the CLS 302 works with the file manager 402 and virtual file system 420 to update changes in response to

events and user request.)

4.1.7. Regarding claim 8, the system of Eytchison and Hendricks discloses **wherein manipulation includes moving through the content information, deleting the content information, and playing selected programs**, as discussed for claim 7, the user is enabled to scroll through content, play, and through CLS update, change, delete content information.

4.2. Regarding claim 9, Eytchison discloses: **A method for displaying on a television apparatus (Fig. 2, TV 105, display 120), table of content information associated with a peripheral device** (Display 120 is further detailed, in alternative configuration of Fig. 8c, 80, where the content is shown by device, e.g. "HDD" 102) **interconnected with the television apparatus (105) via an IEEE 1394 bus (110, Col. 5, lines 47- 59) the method comprising:**

providing, on the digital television apparatus (105, 120) in response to a first user input to the digital television apparatus (e.g. via remote control 81), a menu allowing a user to request viewing of table of content information of a selected peripheral device interconnected to the digital

television apparatus (Fig. 8c, 80 shows table of content for HDD 102, and Web, which are selectable by the tabs) **via the IEEE 1394 bus** (110, Col. 5, lines 47-59), **the option provided by the digital television apparatus regardless of whether the selected peripheral device is a currently selected input source for the digital television apparatus** (Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV; Col. 6, line 60 through Col. 7, line 2);

establishing, by the television apparatus, communication between the digital television apparatus and the selected peripheral device via the IEEE 1394 bus (Fig. 2, 110, Col. 5, lines 47- 59);

obtaining, by the digital television apparatus (105, 120), **responsive to said user request** (command and selection via remote control 81), **table of content information associated with a storage medium of the selected peripheral device**, Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV; Col. 6, line 60 through Col. 7, line 2. The process of "obtaining" is detailed in Fig. 4A, where a Device Abstraction Layer (DAL) is disclosed. DAL 210 captures the content of

various attached devices as shown in 410, and using AV file manger 402, creates a Virtual File system 402, with TOC 421. Based on this virtual file system, at 430, a content database is created, where content is categorized and stored in Cache 452. An example of such database table depicting relationships of fields is shown in Fig. 4B. Cache pages are created based on the user needs/ requirements. For example 453 is a list of Horror Movies. In Fig.8 c another example is provided where content is also sorted by genre (sport) and device (HDD); and

displaying (e.g. Fig. 8c, 80), by the digital television apparatus (105, 120), the received table of content information for the selected peripheral device (programs available on HDD tab), wherein the received content information is displayed on a content display uniquely associated with the selected peripheral device (programs available on HDD tab, as in screen 80). (Col. 7, lines 8- 40; Col. 9, line14 through Col. 10, line 54; Col. 15, lines 2- 25)

Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV. Eytchison does not disclose that the TV is tuned to another program while the TV displays screen 80, and the

viewer is going through the menu options at his/ her disposal, therefore he is silent on **tuning, by the television apparatus, to a currently selected input source**; while obtaining and displaying content information from selected peripheral devices.

However, Hendricks discloses program overlay menus, whereby menus (program selection/ channel selection) are presented to the user while the viewer enjoys a currently tuned program (Col. 18, lines 11- 58).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Eytchison with Hendricks ' invention, in order to allow the viewer to tune to and watch a program while surfing and deciding on what to watch next. (Motivation is also confirmed by Hendricks, Col. 18, lines 14- 17)

4.2.1. Regarding claim 10, Eytchison disclose **detecting connection of the selected peripheral device to the digital serial bus, and upon detection, obtaining the table of content information from the selected peripheral device.** (Col. 8, lines 24- 27)

4.2.2. Regarding claim 11, Eytchison **in response to a second user input, establishing communication between the digital television apparatus**

and a second selected peripheral device via the 1394 serial bus; obtaining by the digital television apparatus, table of contents information associated with a storage medium of the second selected peripheral device; and displaying by the digital television apparatus, the table of contents information from the second selected peripheral device, peripheral devices, e.g. HDD and web, shown on the tabs of Fig. 8c, are attached to serial bus 110, which is disclose to be 1394 as in Fig. 2, Col. 5, lines 47- 59. The user may select any of the tabs, as desired, in any sequence.

4.2.3. Regarding claim 12, Eytchison discloses **wherein the table of contents information of the selected peripheral device includes one or more of title, time created, total track time, current track time, artist, genre, and program description for each track of table of contents data.** (Content attributes/ metadata as disclosed in Col. 5, lines 22-29. An example of content metadata attribute tables is shown Fig. 4B)

4.2.4. Regarding claim 13, Eytchison discloses **allowing by the digital television apparatus, a user to cycle through a loop of peripheral devices interconnected to the television apparatus via the 1394 serial**

bus, as shown in Fig. 8c, the user cycles through attached devices through selection of tabs, and associated table of content for each tab. Devices are connected via bus 110, which is disclosed to be 1394 bus, Fig. 2, Col. 5, lines 47- 59.

4.2.5. Regarding claim 14, Eytchison discloses **allowing by the digital television apparatus, a user to manipulate the displayed content data in response to user input received by the digital television apparatus including moving through the table of contents information, deleting table of contents information, and playing a selected program;** (the user manipulates the table of content, as shown for example in Fig. 8c by selecting content for, record, etc. Also, as shown in Fig. 4A and disclosed in Col. 8, lines 16- 68, the CLS 302 works with the file manager 402 and virtual file system 420 to update changes in response to events and user request.)

4.3. Regarding claim 15, Eytchison discloses: **A digital television apparatus** (Fig. 2, TV 105, display 120) **comprising:**

(b) means for receiving (by the television apparatus 105, 120), **a user request** (e.g. via selection by remote control 81) **to view table of content**

information associated with a selected peripheral device (an example of tale of content associated with "HDD" 102 is detailed in Fig. 8c, 80, tab HDD) **interconnected to the television apparatus (105) via the digital serial bus (110);** see Col. 15, lines 2- 25

(c) means for obtaining (by the television apparatus 105, 120), **responsive to said user request** (command and selection via remote control 81), **table of content information from the selected peripheral device ("HDD 102) regardless of whether the selected peripheral device is the currently selected input source for the television apparatus,** Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV; Col. 6, line 60 through Col. 7, line 2. The process of "obtaining" is detailed in Fig. 4A, where a Device Abstraction Layer (DAL) is disclosed. DAL 210 captures the content of various attached devices as shown in 410, and using AV file manger 402, creates a Virtual File system 402, with TOC 421. Based on this virtual file system, at 430, a content database is created, where content is categorized and stored in Cache 452. An example of such database table depicting relationships of fields is shown in Fig. 4B. Cache pages are created based on the user needs/ requirements. For example 453 is a list of Horror

Movies. In Fig.8 c another example is provided where content is also sorted by genre (sport) and device (HDD); and

(d) means for displaying (e.g. Fig. 8c, 80; by the television apparatus 105, 120), **the received table of content information for the selected peripheral device** (programs available on HDD tab), **wherein the received content information is displayed on a content display uniquely associated with the selected peripheral device** (programs available on HDD tab, as in screen 80). (Col. 7, lines 8- 40; Col. 9, line14 through Col. 10, line 54; Col. 15, lines 2- 25)

Eytchison discloses a menu (120, Fig. 2) of available content from various devices attached to the TV 105 via network 110. A further detailed example of such menu is shown in Fig. 8c (80), where content is listed by tabs "HDD", and "WEB". Selection of any of the tabs, for example "HDD", does not tune to selected device till the actual content is selected, at which point the content and its associated controls are forwarded to the TV. Eytchison does not disclose that the TV is tuned to another program while the TV displays screen 80, and the viewer is going through the menu options at his/ her disposal, therefore he is silent on **means for tuning, by the television apparatus, to a currently selected input source**; while obtaining and displaying content information from selected peripheral devices.

However, Hendricks discloses program overlay menus, whereby menus (program selection/ channel selection) are presented to the user while the viewer enjoys a currently tuned program (Col. 18, lines 11- 58).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Eytchison with Hendricks ' invention, in order to allow the viewer to tune to and watch a program while surfing and deciding on what to watch next. (Motivation is also confirmed by Hendricks, Col. 18, lines 14- 17)

4.3.1. Regarding claim 16, Eytchison discloses **means for allowing a user to cycle through a loop of peripheral devices interconnected on the digital serial bus for viewing of table of content information associated with a selected one of the peripheral devices**, as shown in Fig. 8c, the user cycles through attached devices through selection of tabs, and associated table of content for each tab.

4.3.2. Regarding claim 17, Eytchison discloses **means for allowing a user to manipulate the displayed table of content information in response to**

user input received by the digital television apparatus. (the user manipulates the table of content, as shown for example in Fig. 8c by selecting content for, record, etc. Also, as shown in Fig. 4A and disclosed in Col. 8, lines 16- 68, the CLS 302 works with the file manager 402 and virtual file system 420 to update changes in response to events and user request.)

4.3.3. Regarding claim 18, Eytchison discloses **wherein manipulation includes moving through the content information, deleting the content information, and playing selected programs**, as discussed for claim 17, the user is enabled to scroll through content, play, and through CLS update, change, delete content information.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eytchison in view of Hendricks, further in view of M.I. Sezan et al., USPGPUB 2005/0060641 (hereinafter "Sezan").

5.1. Regarding Claims 19 and 20, the system of Eytchison and Hendricks discloses determining of content related information (CID, title, genre, etc.) from various sources (Eytchison: Col. 9, lines 44 through Col. 10, line 7). The system of Eytchison and Hendricks is silent on **wherein the content information was obtained from PSIP data associated with the program data stream.**

However, Sezan, in analogous art, discloses that **wherein the content information** (program description) **was obtained from PSIP data associated with the program data stream.** (¶¶ [63] - [65]; in particular ¶ [63], 1st four lines)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Eytchison and Hendricks with Sezan's invention in order to retrieve program related information/ description from readily available and standards based PSIP and provide for IEEE 1394 and HAVI enabled content centric communication among devices (Motivation as per Sezan ¶ [65]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/James R. Marandi/
Examiner, Art Unit 2421